

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Steven Goldmann et al.,

Case No. 21-cv-2530 (KMM/DJF)

Plaintiff,

v.

ORDER

Sherburne County Sheriffs Department
et al.,

Defendants.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Dulce J. Foster, dated September 17, 2024. No objections have been filed to that R&R in the time period permitted.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise, and the R&R is accepted in full.

IT IS HEREBY ORDERED that:

1. Plaintiff Romelle Smith's case is severed from this action and the Proposed Amended Complaint [ECF 160-1] shall be docketed as the operative complaint in the new action;
2. Plaintiff Romelle Smith's claims shall relate back to November 18, 2021, the date that the original complaint in this matter [ECF 1] was filed;
3. The remaining plaintiffs' claims are **DISMISSED** without prejudice for failure to prosecute;
4. Upon severance of Mr. Smith's action and dismissal of the remaining Plaintiffs' claims, Plaintiffs' Counsel—Nicholas Ratkowski and the Contreras Edin law firm—shall be withdrawn from both this action and Mr. Smith's severed action;
5. The Clerk's Office shall mail Mr. Smith a copy of this Order, the new case number, and an application to proceed *in forma pauperis* status; and
6. This case is closed.

Date: **December 13, 2024**

s/ Katherine M. Menendez
Katherine M. Menendez
United States District Judge